

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.20-72407-reg

Myint Kyaw *aka* Jeffrey Wu,

Debtor.

Chapter 11

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ORDER TO SHOW CAUSE

The Debtor having filed a petition for relief under Chapter 11 on July 8, 2020, and the Debtor having filed a Disclosure Statement on April 9, 2021 [ECF no. 173], and the Office of the United States Trustee (“UST”) having filed objections to the Disclosure Statement on May 19, 2021 [ECF No. 193] (“UST Objections”) which was joined by Bank of America, N.A. [ECF No. 199], Xizhu Bai [ECF No. 202], and the UST having raised concerns regarding the inability to reconcile the information in the Disclosure Statement with the Debtor’s financial disclosures in his schedules or his monthly operating reports, and the UST having indicated in its report annexed to the UST Objections that there are substantial post-petition deposits from unknown sources that are not disclosed in the Debtor’s schedules, questionable payments to professionals without prior orders of the Court, a series of unsubstantiated financial transfers of the Debtor’s assets to this parties, unexplained fluctuations of the Debtor’s monthly income, unreported monthly post-petition payments of administrative expenses by third parties and the existence of assets which the Debtor has failed to disclose in his petition and schedules, and other deficiencies and omissions by the Debtor in this case, and similar objections having been filed by other creditors of the Debtor, and a hearing on the Disclosure Statement having been held on June 2, 2021, during which the Court directed the Debtor to provide the UST with all of the information and records requested by the UST on or before June 8, 2021 or the Debtor’s case would be converted, and the Court having determined that the Debtor’s Plan is patently unconfirmable and cause exists to convert the Debtor’s case to Chapter 7 pursuant to 11 U.S.C. § 1112(b) unless the information and records requested are provided to the UST on or before June 8, 2021 as directed by the Court, it is hereby

ORDERED, that the Debtor show cause at a telephonic hearing at **10:00 am** on **June 9, 2021** before the Honorable Robert E. Grossman, why the Debtor's case should not be converted to a case under Chapter 7 for cause pursuant to 11 U.S.C. § 1112(b)(1); and it is further

ORDERED, that the Clerk of the Court give notice of this Order to counsel to the Debtor, the Office of the United States Trustee and any party filing a notice of appearance in this case by electronic mail on or before June 2, 2021; and it is further

ORDERED, that opposition to the relief requested in this Order to Show Cause shall be filed with the Court so as to be received on or before June 7, 2021 at 4:00 pm.

Dated: Central Islip, New York
June 2, 2021



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Robert E. Grossman
United States Bankruptcy Judge